

CWG Minutes Feb. 18, 2008

CALL TO ORDER

An informal meeting was called to order by Chairman J. Paul Massey at the Bayard Community Center. There were not enough CWG members present for a quorum.

INTRODUCTIONS

CWG Members present

Earl Montoya
Richard Houck
Mark Richard
Sally Smith
Tom Meyer, vice chairman
J. Paul Massey, chairman

Others Present

Pam Pinson, CMC/FM
Phil Harrigan, NMED
Kate Lynnes, CMC/FM
Jerry Schoepner, NMED
Brett Kasten, candidate for County Commission, Dist. 2
Chris Aquino, candidate for state Senate

PUBLIC COMMENT

- **Trucks operating on pipeline road**
Mark Richard asked for information regarding trucks operating on the pipeline road, and said he has seen as many as 6 trucks operating at one time. Pam Pinson responded that Lake One ore is being hauled to the mine to leach.
- **Political candidates**
Brett Kasten and Chris Aquino addressed the group.

CHANGES TO AGENDA

Mine tour Pam Pinson updated the group on the proposed mine tour. She said it would be best to pick a time in the spring, when the weather warms up, but before monsoon rains begin. The most recent group mine tour was conducted in the month of May, she said. A full AOC tour would take all day, she said, and asked the group to decide which areas they want to focus on.

APPROVAL OF MINUTES

The minutes from January 2008 could not be approved because there was not a quorum. Richard Houck suggested the membership list be updated to better reflect current membership, and make a quorum easier to achieve. Massey responded, "That's true, but we don't have a quorum to do so."



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DISCUSSION ITEMS

AOC Update from Phil Harrigan

- **Hurley Soils Investigation Unit**

The **interim action residential yard clean up** has been completed and the completion report has been submitted. It's in the repositories and going through some revisions.

The **Feasibility study** is also in the repositories. It is in the revision stage, after an exchange of comments. Once it is approved, the record of decision (ROD) stage can begin. It will be the first ROD for this project, with more to follow.

- **Smelter Tailing Soils Investigation Unit**

The **Remedial Investigation** was revised after another round of sampling and is in the repositories. Comments and revisions have been made and it is close to the approvable stage.

The **Human Health Risk Assessment**, being conducted by NMED-contracted Gradient Corp., is being revised per comments by CMC, NMED and EPA, and should be out in March. A presentation might be given to the group in April.

The **Amendment Study** to be performed by CMC to improve vegetation on the site, where it has been impacted by high metals and low pH is in the repositories. Test plots will be tilled, and manure and lime will be added to try to improve vegetation. Kate Lynnes said the work is scheduled to be done before the monsoon season.

The **Ecological Risk Assessment**, being done by Newfields, "is coming out any day now," Harrigan said. A presentation might be ready in March. The **Interim Remedial Action**, or golf course remediation, is being undertaken to remove soil west of Hurley, and can be seen from U.S. 180. Pam Pinson showed members a map that illustrated soil removal boundaries.

- **Hanover/Whitewater Creek Investigative Unit**

Neptune, the NMED's **Human Health Risk Assessment** contractor, is revising the HHRA. The revision should be in the repositories by mid-March. The **Ecological Risk Assessment** is being compiled and may be available in the summer.

Harrigan said there would be some remediation done in Whitewater Creek, but it is too early to determine its extent. Remedial action criteria, or, cleanup goals, cannot be determined until the HHRA and ERA are completed, he said. Pinson added that removal of the tin can plants remnants would be necessary also. "Once we establish the remedial action criteria, we'll get some clean-up numbers, survey the entire creek system, and we'll remove levels above that clean-up criteria.

Sally Smith asked Harrigan to elaborate on revisions to Hanover/Whitewater Creek HHRA. Harrigan said it was an "extensive ... 25-page letter," that is in the repositories. Harrigan explained the revision process. NMED responds to comments that come in from the community, EPA and CMC. The responses go to the repository. The risk assessor initiates the changes, and revises the document.

Hurley Soils Interim Remedial Action Presentation

Pinson and Lynnes gave a presentation compiled by Diane Crawford with Golder Associates, the lead scientist on the Hurley Soils IU. The **Hurley Soils Completion Interim Remedial Action** has been submitted, Pinson said. Much information is now put out in CD format in the repositories, due to space concerns

Sally Smith said it is "pretty challenging" to access the digital information at the Silver City Public Library. Pinson agreed that it is "problematic." Smith added that she

Sally's Letter

Sally Smith requested that the topic be postponed until the next meeting, when there is a quorum, so that Jesse Franklin Owens and Carol Beth Elliot can ask questions.

Jesse Franklin Owen's squeaky wheel letter

The letter will be discussed at the next meeting.

SET AGENDA

The next CWG meeting was set for 7 p.m. on Tuesday, March 18, in the Bayard Community Center.

The agenda for the Feb. 19, 2008 CWG meeting is as follows:

Call to order

Introductions

Public Comment

Changes to Agenda

Approval of Minutes

Discussion Items

- AOC update from Phil
- membership issues
- questions regarding Sally's letter and response
- Chino Mine tour
- Jesse Franklin Owen's squeaky wheel letter

Set Agenda for next meeting

Adjournment

ADJOURNMENT

The meeting was adjourned.

Minutes prepared by Cynthia Coleman, CWG secretary, using recording.

thinks it is very important to have the executive summary available as a hard copy. They are usually one or two pages long, and do not take up too much room, she said.

Pinson and Lynnes showed the group a map of the remedial action area, showing copper "hot spots," and a flow chart of the remediation process.

In response to a question from Aquino regarding who determines the threshold for copper toxicity, Richard replied that the NMED head set it at 5,000 ppm, despite NMED staff and CWG recommendations for 3,300 ppm.

The RAC acronym was defined as remedial action criterion. Pinson explained that sometimes, as happened on the north side of the remedial action area, additional deeper excavation is needed. On the south side of the railroad tracks, only 2 inches of soil needed to be removed.

A graph with a timeline of the project was presented.

Houck asked how many properties in Hurley were not cleaned up. Pinson said 9 home owners refused cleanup, and 157 did not require remediation. Total number of homes remediated was 523 out of 532 identified as meeting remediation criteria, resulting in a 98.3 percent cleanup rate. One hundred percent of easements were cleaned.

Lynnes said the AOC covers historically affected mining areas, while Chino's operational areas are regulated by Discharge Permit 1340, a closure/closeout permit,

The extent of cleanup required in Hurley yards ranged from small patches to entire yards, Pinson said.

Richard asked whether strips between curb and property were remediated, and Pinson and Lynnes answered that easements were done.

Tom Meyer said he lives at 103 Nevada St. in Hurley, and that when his yard was remediated last year, a half a ton of rock ended up in the easement in front of his yard. "They said they'd come back and scrape it off and put rock down, and it hasn't been addressed," he said.

"What I'm thinking is that they did remove the impacted soil, but what they didn't finish (was the addition of gravel)" Pinson said.

"He said they were going to have to come back and scrape off ... because they dropped all that dirt when they were loading the truck. About 5-10% would fall on the ground, and they just spread it out," Meyer said.

Pinson said it would need to be addressed.

In response to a question from Richard, Pinson and Harrigan said PNM was very difficult to work with during the process.

Richard said they still have piles of dirt they never cleaned up.

Pinson said one resident is suing PNM for flooding her finished basement, and CMC cannot finish her landscaping until her suit is settled.

CMC gave residents a last chance for cleanup, and convinced 10 residents to take part, Pinson said.

Pinson explained AOC background to Chris Aquino.

Massey asked whether properties along Whitewater Creek have been tested.

Pinson said the Hurley smelter, mill, and open concentrate piles were the source point for copper contamination. "As you move further away from Hurley, those homes you're talking about along the creek weren't impacted," Pinson said.

Contamination sources in Hanover/Whitewater creek are different, Harrigan said.